

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

|                                |   |                                |
|--------------------------------|---|--------------------------------|
| ISAAC BERKLEY, III,            | ) |                                |
|                                | ) |                                |
| Plaintiff,                     | ) |                                |
|                                | ) |                                |
| v.                             | ) | Civil Action No. 3:20CV674–HEH |
|                                | ) |                                |
| RALPH NORTHAM, <i>et al.</i> , | ) |                                |
|                                | ) |                                |
| Defendants.                    | ) |                                |

**MEMORANDUM OPINION  
(Dismissing Action Without Prejudice)**

Plaintiff, a Virginia inmate proceeding *pro se* and *in forma pauperis*, filed this 42 U.S.C. § 1983 action. By Memorandum Order entered on April 13, 2021, the Court directed Plaintiff to file a particularized complaint and provided him with very specific instructions. Instead of filing a particularized complaint, on May 3, 2021, the Court received a submission from Plaintiff entitled, “CONSENT MOTION TO EXTEND TIME FOR FILING RESPONSIVE PLEADINGS AND BRIEF IN SUPPORT THEREOF.” (ECF No. 16.) This submission is not responsive in any way to the Court’s April 3, 2021 Memorandum Order and certainly fails to follow the instructions for how to file a particularized complaint. In addition, this submission is not a consent motion, as it was filed solely by Plaintiff, Plaintiff is not represented by counsel, and none of the Defendants have been served, so no responsive briefs would be due at this time.

Accordingly, by Memorandum Order entered on June 23, 2021,<sup>1</sup> the Court once again directed Plaintiff to submit a particularized complaint within fourteen (14) days of the date of entry thereof. The Court warned Plaintiff that the failure to submit the particularized complaint would result in the dismissal of the action.

More than fourteen (14) days have elapsed since the entry of the June 23, 2021 Memorandum Order. Plaintiff failed to submit a particularized complaint or otherwise respond to the June 23, 2021 Memorandum Order. Accordingly, the action will be dismissed without prejudice.

An appropriate order will accompany this Memorandum Opinion.



/s/

HENRY E. HUDSON  
SENIOR UNITED STATES DISTRICT JUDGE

Date: ~~July 21, 2021~~  
Richmond, Virginia

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<sup>1</sup> The Court's second order directing Plaintiff to file a particularized complaint was initially entered on May 21, 2021. However, after the order was mailed to Plaintiff, he updated his address with the Court. Accordingly, the Court again directed Plaintiff to file a particularized complaint on June 23, 2021.